

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

JOSEPH MICHAEL DEVON ENGEL,

Plaintiff,

v.

UNITED STATES OF AMERICA, et al.,

Defendants.

No. 4:21 CV 889 DDN

**MEMORANDUM AND ORDER**

This matter is before the Court on plaintiff Joseph Michael Devon Engel's motion to proceed *in forma pauperis* on appeal. ECF No. 7. The Court dismissed this action on August 17, 2021, under the three strikes provision of the Prison Litigation Reform Act, 28 U.S.C. § 1915(g), subject to plaintiff refiling the case as a fully-paid complaint. ECF Nos. 3-4.

The Court has no reason to believe that an appeal of this matter would be taken in good faith, 28 U.S.C. § 1915(a)(3), and it is not apparent that plaintiff now seeks appellate review of any issue that is not frivolous. *See Coppedge v. United States*, 369 U.S. 438, 445 (1962). Furthermore, plaintiff has repeatedly filed meritless lawsuits in this Court, to the point where this Court has found his litigation practices to be an abuse of the judicial process. *See* ECF No. 3. Despite plaintiff's averments in the instant motion, *see* ECF No. 7 at 1, plaintiff has filed at least three actions that were dismissed because they were frivolous, malicious, or failed to state a claim upon which relief may be granted.<sup>1</sup> Accordingly, he has accumulated three "strikes" as defined in 28 U.S.C. § 1915(g), and his averments do not establish he is under imminent danger of serious

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<sup>1</sup> *See Engel v. Governor of Missouri*, No. 1:20-cv-217-HEA (E.D. Mo. Dec. 15, 2020); *Engel v. United States of America*, No. 4:20-cv-1742-MTS (E.D. Mo. Dec. 18, 2020); *Engel v. Missouri Courts*, No. 4:20-cv-1258-SPM (E.D. Mo. Dec. 21, 2020).

physical injury. For all of these reasons, the Court therefore finds plaintiff may not proceed *in forma pauperis* on appeal. The instant motion will be denied.

Accordingly,

**IT IS HEREBY ORDERED** that plaintiff's motion to proceed *in forma pauperis* on appeal [ECF No. 7] is **DENIED**.

Dated this 8<sup>th</sup> day of September, 2021.

A handwritten signature in black ink, reading "David D. Noce", written over a horizontal line.

DAVID D. NOCE  
UNITED STATES MAGISTRATE JUDGE